

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

LORENZIE HUMPHREYS, and )  
YVETTE RHEAMES, on behalf of )  
themselves and all others similarly )  
situated, )  
Plaintiffs, )  
v. ) Civil Action No.: 1:12 cv 04671  
SANTANDER CONSUMER USA, INC., )  
Defendant. )

**DEFENDANT'S MOTION TO COMPEL INDIVIDUAL ARBITRATION AND  
STAY JUDICIAL PROCEEDINGS AS TO PLAINTIFF LORENZIE HUMPHREYS**

Defendant Santander Consumer USA, Inc. (“Santander”), through its attorneys, Reed Smith LLP, hereby moves this Court for an order compelling arbitration of plaintiff Lorenzie Humphreys’ claims and staying any further proceedings in this action as to Mr. Humphreys pending the resolution of that arbitration. In support of its Motion Santander submits the accompanying Memorandum of Law, which is herein incorporated by reference, and states as follows::

1. This is a putative class action brought by plaintiffs Lorenzie Humphreys (“Humphreys”) and Yvette Rheames alleging, inter alia, that Santander violated the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227(b)(1), by using automotive dialing equipment to call Plaintiffs’ cell phones without their consent for the purpose of collecting a debt.

2. Plaintiff Humphreys was allegedly called by Santander to collect on a debt arising from an automobile that he purchased in July of 2005. To purchase that vehicle, Humphreys entered into a Loan Repayment and Security Agreement (“Loan Agreement”) with HSBC Auto

Credit Inc. The Loan Agreement included an express arbitration provision that required Mr. Humphreys to resolve any claim or dispute he may have relating to or arising out of the Loan Agreement or the relationships which result from the Agreement, without resort to any collective or class action, through binding arbitration pursuant to the Federal Arbitration Act.

3. In early 2010, Santander, pursuant to an agreement with HSBC, became HSBC's agent for purposes of servicing and collecting Mr. Humphreys's loan and sent him a notice informing him of Santander's new position. Later in 2010, HSBC assigned Mr. Humphreys' Loan Agreement to Santander when Santander purchased that loan from HSBC. Santander then sent Mr. Humphreys another notice containing that information.

4. Accordingly, because Mr. Humphreys entered into a binding and enforceable contract requiring him to arbitrate any dispute relating to the Loan Agreement, this Court should compel Mr. Humphreys to arbitrate his claims on an individual basis and stay any further proceedings in this action relating to Mr. Humphreys pending the resolution of that arbitration.

WHEREFORE, for the reasons stated herein and as set forth more fully in the accompanying Memorandum of Law, Santander respectfully request that the Court enter an order requiring Mr. Humphreys to arbitrate his claims on an individual basis, stay further proceedings in this action relating to Mr. Humphreys until such time as Mr. Humphreys' claims have been arbitrated, and grant such other relief as this Court deems just and proper.

Dated: October 26, 2012

Respectfully submitted,

By: /s/ Gary S. Caplan  
One of Its Attorneys

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*Counsel for Defendant*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on October 26, 2012, I electronically filed the foregoing **Defendant's Motion to Compel Individual Arbitration and Stay Judicial Proceedings As to Plaintiff Lorenzie Humphreys** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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